REMARKS

Claims 1-11 have been examined on their merits.

Applicant herein editorially amends claims 1-11 to remove reference callouts and European-style "characterizing" language. Since the amendments to claims 1-11 are editorial and do not substantively change the scope or nature of the claims, Applicant respectfully requests entry of the amendments to claims 1-11.

Claims 1-11 are all the claims presently pending in the application.

1.   Claims 1-11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yates *et al.* (U.S. Patent No. 6,330,586) in view of Beck *et al.* (U.S. Patent No. 6,604,140). Applicant respectfully traverses the § 103(a) rejection of claims 1-11 for at least the reasons discussed below.

In the Rule 111 Response dated March 14, 2004, Applicant argued that the § 103(a) rejection of claim 1 is improper. Applicant provided the following four reasons.

First, Applicant argued that the Patent Office's combination of Yates *et al.* and Beck *et al.* is improper because the references solve different problems: Yates *et al.* disclose, *inter alia*, a service provision system for providing different services, supplied by multiple vendors, over one or multiple communications networks. Beck *et al.* disclose, *inter alia*, a method that enables a computing device to discover and use services provided by other computing devices, and download the service software from the other computing devices when the service is used.

The Patent Office argues that Yates *et al.*'s agent is constructed from a combination of

three component object types: Service Independent Building Blocks (SIBBs) 301, adaptors 302

and coordinators 303 that may be added or removed dynamically. The adaptors 302 can contain

processes for establishing appropriate interfaces and protocols, and might either contain

standards, interfaces and protocols as data. In addition, in Beck *et al.*, the object that is

transmitted to a service computer contains "an interface, an implementation, and an adapter" that

define the set of operations that the service can perform on behalf of the client. Further,

allegedly combining the object transmission feature of Beck *et al.* with Yates *et al.* can aid Yates

et al.'s goal of "adding and evolving functionality and capability to software and hardware of the

agents, and especially to maximize software and hardware reuse. Applicant respectfully

disagrees.

As Applicant argued before, Beck *et al.* disclose sharing service implementations

between devices 101 and 121 having similar modules, like PDAs (Beck *et al.*, col. 3, lines 48-

49). The Patent Office has asserted that the terminal domain 101 in Yates *et al.* discloses the

recited service computer, and a terminal teaches the service server. However, the terminal and

the terminal domain are very different. There is no reason for a skilled artisan to apply the

transfer of service implementation between devices having similar modules to the terminal and

terminal domain.

In addition, according to the Patent Office's reasoning, the purpose of the transmission of

adapters in Yates *et al.* should be for the reconfiguration of the hardware or software of the

agents, and the adapters transferred should be constituting parts of the agents. However, in Beck

et al., what is transferred is the server implementation, instead of the constituting parts of the device. There is no reason for a skilled artisan to pick the service implementation transfer between similar devices in Beck *et al.* and add it to Yates *et al.* for the reconfiguration of the modules.

Second, Applicant previously argued that the Patent Office's combination of Yates *et al.* and Beck *et al.* is improper because the system of Yates *et al.* and the system of Beck *et al.* operate according to different principles. The combination of the two references unavoidably changes the principle of operation of the references.

The Patent Office argues that Beck *et al.* was relied upon merely to disclose the functionality of transmitting service containers between devices over a network, that Yates *et al.* is applicable to mobile radio and that both Yates *et al.* and Beck *et al.* are directed toward object-oriented principles.

However, in Beck *et al.*, the service interface, adapter and implementation are transmitted among devices 101 and 121 having similar modules, like PDAs (Beck *et al.*, col. 3, lines 48-49). The Patent Office argues that the adapter in Yates *et al.* could be transmitted from a terminal to the terminal domain. However, the terminal and the terminal domain are very different. Although the references are both applicable to mobile radio, and are both directed toward object-oriented principles, the combination of the two references will still avoidably change the principle of operation of the references.

Third, Applicant previously argued that the Patent Office fails to point out which part in Yates *et al.* teaches or suggests the recited at least one service component. The Patent Office

13

argues that the policies executed by Yates *et al.*'s object teach the service component. Applicant respectfully disagrees.

In the invention of claim 1, the service machine is included in the at least one service component. The Patent Office has asserted that the code and SIBBs of Yates *et al.*'s modules teach the service machine. However, according to the portions of Yates *et al.* cited by the Patent Office, the policy is either embedded in the object, or downloaded from a policy data store 1104 shown in Fig. 11. Obviously, the code and SIBB of Yates *et al.*, constituting parts of the agents, are not included in the policies.

Thus, Yates *et al.* fail to teach or suggest the recited at least one service component. Accordingly, Applicant respectfully resubmits that even if a skilled artisan were to combine the two references, as the Patent Office has suggested, the combination would not result into the claimed invention.

Fourth, Applicant previously argued that the Patent Office fails to point out which part in his combination of Yates *et al.* and Beck *et al.* teaches the communication means.

The Patent Office argues that Beck *et al.* is relied upon only for disclosing the functionality of transmitting service containers between devices over a network. Applicant respectfully disagrees.

Again, Beck *et al.* only teaches sharing service implementations between two devices having similar modules. However, in the invention recited in claim 1, the service container is transmitted by a service server to a service computer to manage the execution of personal services of communication means. The method of Beck *et al.* involves only two similar devices,

but the claimed invention involves three different parties: the service server, the service computer and the communication means. Even if Beck *et al.* is only used to teach the functionality of transmitting service containers between devices over a network, the functionality of Beck *et al.* fails to teach or suggest the transmission of the service container of the claimed invention.

Accordingly, Applicant resubmits that even if a skilled artisan were to combine Yates and Beck, as suggest by the Patent Office, the combination would not result in the claimed invention.

Based on the foregoing reasons, Applicant submits that claim 1 is allowable over the combination of Yates *et al.* and Beck *et al.*, and further submits that claims 2-6 are allowable as well, at least by virtue of their dependency from claim 1. Applicant respectfully requests that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 1-6.

With respect to independent claims 7-11, Applicant submits that claims 7-11 are allowable over the combination of Yates *et al.* and Beck *et al.* for at least reasons analogous to those discussed above with respect to claim 1. Applicant respectfully requests that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 7-11.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. APPLICATION NO. 09/891,264
ATTORNEY DOCKET NO. Q64971

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

Paul J. Wilson
Registration No. 45,879

SUGHRUE MION, PLLC
Telephone: (650) 625-8100
Facsimile: (650) 625-8110

MOUNTAIN VIEW OFFICE

23493

CUSTOMER NUMBER

Date: July 25, 2005